IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3764 OF 2004

Chandrakant Waman Ghorpade ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. H.S. Venegaonkar, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

29th September 2004

P.C.:

. Heard Counsel for the parties. The Petitioner has been arrested in connection with Cr.No. 89/2003 registered with Borgaon Police Station, along with six other accused. The prosecution case is that due to the assault caused by the accused, deceased Ramchandra Ghorpade suffered injuries and succumbed to those injuries. Even the prosecution witnesses suffered injuries. However, insofar as the present Applicant, who is accused No. 3, is

concerned, the only role ascribed to him is that he was wielding stick and assaulted Ramchandra Ghorpade, deceased, on the head. However, the medical report indicates that in all four injuries were received by Ramchandra Ghorpade on his head. The said injuries are incised wounds. It is unlikely that those wounds have been caused by stick blow. The accused Nos. 4 to 7 have already been enlarged on bail by this Court. To my mind, the Applicant also deserves to be enlarged on bail on the same terms and conditions. Accordingly, this application is allowed on the following terms.

(a) The Applicant is enlarged on bail on furnishing personal bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

(b) The Applicant shall report to the concerned Police Station every alternate Monday between 10 a.m. and 11 a.m. till the conclusion of the trial.

Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.